

Message Text

SECRET

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03 NSAE-00
NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-13 ACDA-07
EB-08 /086 W
-----071232Z 054870 /12

P R 071218Z MAR 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 6198
USNMR SHAPE PRIORITY
INFO AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY THE HAGUE
USMISSION NATO BRUSSELS
USMISSION USBERLIN
DOD WASHDC
CINC EUR VAIHINGEN

S E C R E T SECTION 01 OF 02 BONN 04003

E.O. 11652: XGDS 3
TAGS: PFOR, MARR, MPOL, GW, US, UK, FR
SUBJECT: PROTECTION OF FRG AIR SPACE

1. THE BRITISH EMBASSY HAS BROUGHT TO OUR ATTENTION
A LETTER FROM SACEUR WHICH REQUESTS NATIONAL AUTHORI-
TIES (PRESUMABLY THOSE OF THE US AND THE UK) TO
CONCUR IN OR COMMENT ON PROPOSED REVISIONS TO THE
SHAPE DIRECTIVE FOR NATO EUROPE INTEGRATED AIR
DEFENSE (NATINAD). THE REVISIONS WOULD PERMIT FIGHTER
AIRCRAFT FROM THE FRG, BELGIUM, AND THE NETHERLANDS
TO PARTICIPATE WITH THOSE OF THE US, THE UK, AND
FRANCE IN THE POLICING OF FRG AIRSPACE.

2. ACCORDING TO THE LETTER FROM GENERAL HAIG
(REFERENCE 1251.04/5220/S374/76, DATED 9 JANUARY 1977),
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CINCENT HAD ENDORSED AN AAFCE STUDY RECOMMENDING SUCH
CHANGES BUT HAD INDICATED THAT SHAPE "SHOULD REVIEW
ANY CONSTRAINTS CONCERNING THE PROPOSED USE OF NON-
TRIPARTITE AIRCRAFT FOR AIR POLICING OF FRG AIRSPACE."
THE LETTER CONTINUES THAT THIS REVIEW HAS NOW BEEN
COMPLETED AND THAT "THE BONN CONVENTION APPEARS TO
CONTAIN NO DIRECT OR INDIRECT RESTRICTIONS ON THE

USE OF NON-TRIPARTITE FIGHTERS FOR AIR POLICING IN
FRG AIRSPACE."

3. THIS EMBASSY WAS NOT PREVIOUSLY AWARE OF THE STUDY
AND IS THEREFORE UNABLE TO ANSWER THE QUESTIONS
RAISED BY THE UK EMBASSY AS TO THE EXTENT TO WHICH
POLITICAL AND LEGAL CONSIDERATIONS HAVE BEEN TAKEN
INTO CONSIDERATION IN THE PREPARATION OF THE PROPOSED
REVISION TO NATINAD. WE AGREE WITH THE UK EMBASSY
THAT IT WOULD BE DESIRABLE TO EXAMINE THE FOLLOWING
QUESTIONS BEFORE FINAL ACTION IS TAKEN TO REVISE
CURRENT PLANS:

A. IN TERMS OF INTERNATIONAL LAW, WOULD THE
PROPOSED CHANGE REQUIRE AN AMENDMENT TO THE 1952/54
BONN AGREEMENTS AND PARIS PROTOCOLS AND THE ACCOM-
PANYING CLASSIFIED AGREED MINUTES? (ARTICLE 6 OF
CHAPTER 12 OF THE CONVENTION PROVIDES: "IN THE
EXERCISE OF THEIR RESPONSIBILITIES RELATING TO
GERMANY AS A WHOLE, THE THREE POWERS WILL CONTINUE
TO EXERCISE CONTROL WITH RESPECT TO AIRCRAFT OF THE
USSR UTILIZING THE AIR SPACE OF THE FEDERAL REPUBLIC."
ANNEX A OF THE SECRET AGREED MINUTES DATED OCTOBER
23, 1954, PROVIDES THAT THE FRG WILL NOT PERMIT
FLIGHTS BY MILITARY AIRCRAFT OF THE SATELLITE COUNTRIES
IN FRG AIRSPACE WITHOUT THE CONSENT OF THE THREE
POWERS.)

B. POLITICALLY, IS IT DESIRABLE TO SHARE WITH
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THE FRG, IN PARTICULAR, AS WELL AS WITH BELGIUM AND

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S E C R E T SECTION 02 OF 02 BONN 04003

THE NETHERLANDS, THE CONTROL PRESENTLY RESERVED BY
TREATY TO THE THREE POWERS, AS A PART OF THEIR
RESERVED RIGHTS CONCERNING GERMANY AS A WHOLE? WHAT
ARE THE POLITICAL IMPLICATIONS OF A DILUTION OF THIS
THREE POWER RESPONSIBILITY?

C. WOULD THERE BE ANY IMPLICATIONS FOR THE
BERLIN AIR CORRIDORS? I.E., IS THERE ANY DANGER
THAT THE SOVIETS MIGHT CONSIDER THAT RELIQUISHMENT
BY THE THREE POWERS OF THEIR EXCLUSIVE RESPONSIBILITY
FOR CONTROL OF SOVIET MILITARY AIRCRAFT IN FRG AIRSPACE,
AND SHARING THIS CONTROL WITH THE FRG, WOULD WARRANT
A PARALLEL RELINQUISHMENT OF SOVIET RESPONSIBILITY FOR
CONTROL OF ALLIED MILITARY AIRCRAFT OVER GDR TERRITORY?

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(IT WILL BE RECALLED THAT IMPLEMENTATION OF THE BONN
CONVENTIONS IN 1954 WAS FOLLOWED BY THE GDR/SOVIET
TREATY OF 1955 AND THE ACCOMPANYING BOLZ-ZORIN
EXCHANGE, IN WHICH THE SOVIETS SPECIFICALLY STATED
THAT THEY WOULD CONTINUE TO BE RESPONSIBLE FOR
AIRCRAFT IN THE BERLIN CORRIDORS.)

D. WHAT WOULD BE THE LIKELY ATTITUDE OF THE FRG
TO THE PROPOSED CHANGE WHEN IT WAS CONSIDERED AT TOP
POLITICAL LEVELS?

4. ACTION REQUESTED: THE EMBASSY WOULD APPRECIATE
FULLER BACKGROUND INFORMATION ON THE PROPOSED
REVISION AND ON THE EXTENT TO WHICH POLITICAL AND
LEGAL ISSUES SUCH AS THE ABOVE HAVE BEEN EXAMINED.

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